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**RESOLUTION NO. 04-289**

RESOLUTION OF FINDINGS OF ADVISABILITY AND  
RESOLUTION AUTHORIZING CONSTRUCTION OF **WATER  
DISTRIBUTION SYSTEM NUMBER 448-89867 (NORTH OF 37TH  
STREET NORTH, EAST OF TYLER)** IN THE CITY OF WICHITA,  
KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE  
GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA,  
KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF  
CONSTRUCTING **WATER DISTRIBUTION SYSTEM NUMBER 448-89867 (NORTH OF  
37TH STREET NORTH, EAST OF TYLER)** IN THE CITY OF WICHITA, KANSAS, ARE  
HEREBY MADE TO-WIT:

SECTION 1: That Resolution No. **03-465** adopted on **September 9, 2003**, is hereby  
rescinded.

SECTION 2. That it is necessary and in the public interest to construct **Water  
Distribution System Number 448-89867 (north of 37th Street North, east of Tyler)** in the  
City of Wichita, Kansas.

SECTION 3. That the cost of said improvements provided for hereof is estimated to be  
**Seventy Thousand Eight Hundred Dollars (\$70,800)**, exclusive of the cost of interest on  
borrowed money, with **100** percent payable by the improvement district. Said estimated cost as  
above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after  
**August 1, 2003**, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement  
district, when ascertained, shall be assessed against the land lying within the improvement  
district described as follows:

**AVALON PARK**

Lots 28 thru 41, Block 1

Lots 7 thru 12, Block 2

Lots 1 thru 11 and 28, Block 4

SECTION 5. That the method of apportioning all costs of said improvements  
attributable to the owners of land liable for assessment shall be on a **fractional** basis:

That said Lots 28 thru 41, Block 1; Lots 7 thru 12, Block 2, and Lots 1 thru 11 and 28,  
Block 4, all in Avalon Park Addition shall each pay 1/32 of the total cost payable by the  
improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the

assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, this 8th day of June, 2004.

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CARLOS MAYANS, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK

(SEAL)